

RCE for COLLISION AVOIDANCE SYSTEM (Reissue) Serial # 09/892,185 GAU 3661 Examiner Eric M. Gibson Applicant Brett O. Hall 4206 Lazy Creek Dr. Marietta, GA 30066 770-517-5991

INTERVIEW SUMMARY

In a 3/11/03 telephone interview with Examiner Eric Gibson prior art was not discussed. The Examiner stated that the focus of correction for claims 23-26 is driven by recapture and not prior art. Therefore, the changes in the language of claims 23-26 are not based on the need to overcome prior art. The Examiner further indicated that changing the claim language to avoid recapture would also overcome prior art since required added limitations were already found to define the invention over prior art. The boundaries of recapture were discussed as was and the general language required to overcome recapture and put the claims in condition for allowance. Specific agreements were not reached.

In a subsequent phone conversation on 3/19/03, the Applicant requested a precursory review of modified claims submitted on 3/18/03 and believed to be consistent with the discussion on 3/11/03. The Examiner stated that he would not review the claims and the only options available to the Applicant were to cancel claims 23-26 or file a RCE to have the changes to claims 23-26 entered into record with a new round of prosecution. However, the Examiner ~~agreed~~ did state his willingness to give any newly submitted claims a precursory review and evaluation and contact the Applicant with his findings before issuing a first office action on a new RCE.

IN THE CLAIMS

Claims 23-26 have been modified as presented below.

Add as new claim 23

23. A collision avoidance system for use with a traffic control means capable of displaying a permissive or a non-permissive indicia, said system of collision avoidance, comprising:

- a) at least one vehicle restrictor associated with said roadway, said at least one vehicle restrictor comprising a member disposed generally transverse to said roadway, capable of being actuated to impede passage thereover of at least one vehicle; and
- b) a controller that determines the likelihood of vehicular collision relative to the status of the traffic control means wherein said controller determines at least one vehicle that should be slowed or stopped and wherein said at least one vehicle restrictor may be actuated by communication from said controller to impede the passage of at least one of the vehicles.

[Add as new claim 24]

24. A method of collision avoidance for use with a traffic control means capable of displaying permissive or non-permissive indicia, said method of collision avoidance comprising the steps of:

- a) determining the permissive status of the traffic control means that is associated with a roadway;
- b) determining at least one vehicle that should be slowed or stopped; and

RCE for COLLISION AVOIDANCE SYSTEM (Reissue) Serial # 09/892,185 GAU 3661 Examiner Eric M. Gibson Applicant Brett O. Hall 4206 Lazy Creek Dr. Marietta, GA 30066 770-517-5991

c) impeding movement of said at least one vehicle associated with the roadway by actuating at least one vehicle restrictor when the status of the traffic control means is not permissive.

{Add as new claim 25}

25. A method of collision avoidance, comprising the steps of:

- a) sensing at least one parameter of at least a first vehicle;
- b) sensing at least one parameter of at least a second vehicle;
- c) determining the likelihood of a collision involving said at least first vehicle and said at least second vehicle based on said vehicle parameters; and
- d) determining at least one vehicle that should be slowed or stopped; and
- e) actuating at least one vehicle restrictor to impede the movement of at least one of said vehicles to avoid said collision.

{Add as new claim 26}

26. A method of collision avoidance, comprising the steps of:

- a) sensing at least one parameter of at least one vehicle;
- b) sensing at least one parameter of at least one pedestrian or at least one train;
- c) determining the likelihood of a collision involving said at least one vehicle with said at least one pedestrian or said at least one train based on said at least one vehicle parameter and said at least one pedestrian or train parameter;
- d) determining at least one vehicle that should be slowed or stopped; and
- e) actuating at least one vehicle restrictor to impede the movement of at least one said vehicle to avoid said collision.

REMARKS

The Applicant appreciates the Examiner's agreement to give modified claims 23-26 a precursory review and subsequently provide feedback to the Applicant by phone prior to a first office action.